

## LAND SURVEYORS SECTION MEETING

### MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 11, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Doyle B. Allen  
John R. McAden  
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director  
Karen W. O'Neal, Deputy Director of Regulatory Programs  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Trisha L. Henshaw, Administrative Assistant

No representative of the Office of the Attorney General was present for the meeting.

Mr. Allen, Chair, called the meeting to order at 9:00 a.m.

#### Call to Order

Mr. Stephenson moved to approve the agenda as amended. Mr. McAden seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

#### Approval of Agenda

**Public Comment Period** – No comments were made to the Section members.

#### Public Comment

The Section members discussed correspondence that was received regarding confusion among regulants of the Board as to who may prepare a Chesapeake Bay Preservation Act compliance plan. The Section members were provided with the responses agreed to by the Sections and recommended by the APELSCIDLA Board at its March 10, 2004, meeting. At that meeting, the Board requested that each of the Sections review this issue again for discussion at the June 10, 2004, meeting. After discussion, Mr. Stephenson moved to recommend to the Board adoption of the following response:

#### Discussion of Chesapeake Bay Act Compliance Plans

"The APELSCIDLA Board has reviewed your documentation and

has determined that work associated with the Chesapeake Bay Preservation Act may involve the practice of engineering, land surveying, and landscape architecture (pursuant to § 54.1-400 of the Code of Virginia) depending on the exact nature of the work being performed. Further, review of this issue in the past has also revealed that this work may be incidental to other professional work and has determined that architects are competent to perform some of the types of calculations required by the Act. The issue of which professional is authorized to perform such work is dependent on the type of work being performed, applicable statutes, regulations and ordinances, as well as the competency of the individual practitioner.

"As in any activity involving the practices of architecture, engineering, land surveying (pursuant to § 54.1-400 so A and B land surveyors are both competent to perform such work), certified interior design, and landscape architecture, if there is a question about the specific competence of an APELSCIDLA Board regulant, then this issue should be specifically addressed at that time through inquiries and complaints to this Board.

"As to the issue of 'redesigning' by the County officials, we would obviously need to know the specifics of individual instances. It is not unusual for regulatory authorities and agencies to request revisions to plans, specifications, reports, and permit applications. However, generally speaking, the professional who has the responsibility, authority, and accountability must concur with each of these revisions."

Mr. Stephenson further moved to recommend that the following be incorporated to the Board's response.

Point out § 54.1-410 of the *Code of Virginia* and indicate that if a regulant of the APELSCIDLA Board is not adhering to the required standards, or does not appear to be competent in work they have undertaken, then a complaint needs to be filed with the Board.

Mr. McAden seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

Ms. Ware provided the Section members with an update from the Photogrammetry Facilitation meetings. Mr. Allen, as the APELSCIDLA Board representative involved with the facilitation meetings, provided a report from those meetings.

Photogrammetry  
Facilitation Update

The Section members discussed information provided regarding licensure requirements for professionals who are licensed in other states, but not in Virginia, and serve as expert witnesses in court cases. This information was discussed at the APELSCIDLA Board meeting on March 10, 2004, at which time it was deferred to the Sections to discuss so that a final decision could be made at the June 10, 2004, Board meeting. The Section members agreed by consensus to take no action on this item, and they will be ready to discuss this matter at the June 10 meeting.

**Discussion of  
Licensure for Expert  
Witnesses**

Mr. Courtney indicated that Enforcement Division staff requested that he discuss technical reviews of disciplinary cases with the Section members. Mr. Courtney stated that, in order to facilitate the investigation of cases by Enforcement staff, they requested that the Board members use non-technical terms in performing the reviews and requested that the Board members be very specific when pointing out possible regulatory violations.

**Discussion of Board  
Member Technical  
Reviews**

The Section members reviewed a letter from the District of Columbia Board of Licensing for Professional Engineers regarding land surveyors practicing in the D.C. who are licensed in Virginia and Maryland, but not licensed in the D.C. Prior to 1999, surveyors licensed in Virginia and Maryland were permitted to practice in D.C. without a D.C. license; however, a law passed in 1999 that required licensure for all surveyors practicing in D.C. The D.C. Board agreed at that time to allow a grace period in order to allow Virginia and Maryland surveyors sufficient time to obtain a license from D.C. The D.C. Board announced through this correspondence that they believe sufficient time has passed and they will now begin enforcing the law requiring D.C. licensure of all surveyors practicing in D.C. The Section members requested that staff provide a copy of this letter to the Virginia Association of Surveyors, include an article pertaining to this topic in the upcoming issue of *Dimensions*, and respond to the D.C. Board to notify them that the Section has discussed the issue and an article will be published in the Board's newsletter.

**Discussion of  
Correspondence from  
D.C. Board Regarding  
Licensure of Land  
Surveyors**

The meeting recessed for a break from 9:45 to 9:53 a.m.

**Break**

The Section members reviewed proposed constitution and bylaw amendments that will be considered at the National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting in August.

**NCEES Updates**

Mr. Stephenson provided an update from the NCEES Northeast Zone Meeting held in April in Portland, Maine. Topics of discussion at the meeting included proposed amendments to the constitution and bylaws, calculators for use by examinees, examination security, committee assignments, and a proposed resolution regarding a Structural Engineering

### III examination.

Mr. Stephenson also discussed a recent site visit to an examination administration in Richmond for the land surveying examinations. Mr. Stephenson indicated that he was very pleased with the administration of the test and the proctors on site at the test center.

Mr. Allen provided a report from the Colonial States Boards of Land Surveyor Registration meeting held in conjunction with the Northeast Zone meeting in Portland, Maine. Mr. Allen indicated that the major topic of discussion was a photogrammetry item bank that the Colonial States members have been working on. An examination item bank has been developed and it has been determined that there are now enough questions for a two-hour examination. Mr. Allen stated that North Carolina wishes to use the examination, and Mr. Allen is chairing a committee that is charged with negotiating purchase of the examination by North Carolina.

Mr. Stephenson stated that Mr. Sirine, former land surveyor Board member, received the Distinguished Service Award from the NCEES Zone, which will be presented to Mr. Sirine at the June APELSCIDLA Board meeting.

Mr. McAden provided a report from the National Society of Professional Surveyors Registration Boards Forum held in Nashville, Tennessee, on April 16. Mr. McAden stated that one of the topics of discussion was funding that is available for providing information to middle school students regarding careers in land surveying. Also discussed were the definition of land surveying and a recent case decision in Tennessee involving the use of geographic information systems technology.

After discussion, it was agreed that Mr. Stephenson's attendance at the 2004 NCEES Annual meeting would be funded by the Department.

Mr. Allen moved that Mr. McAden be nominated as Chair of the Section for the term beginning July 1, 2004, to June 30, 2005. Mr. Stephenson seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

### Election of Officers

The Section members discussed the upcoming elections for Chair and Vice-Chair of the APELSCIDLA Board. If, at the June meeting, the Board decides to select a Chair outside of the current rotation, the Section members agreed by consensus to nominate Mr. Allen for the position of Chair of the Board for the term beginning July 1, 2004, and ending on June 30, 2005. However, if the Board elects to continue with the current Board

rotation, Mr. McAden moved to nominate Mr. Stephenson as Vice-Chair of the Board for the above-referenced term. Mr. Allen seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

Mr. Courtney discussed the status of the proposed regulations that were adopted at the March Board meeting. Mr. Courtney indicated that a concern has been raised by the Department of Planning and Budget regarding a proposed change to the requirements for certification as a landscape architect, and this matter will be discussed in further detail at the June 10, 2004, Board meeting.

Other Business

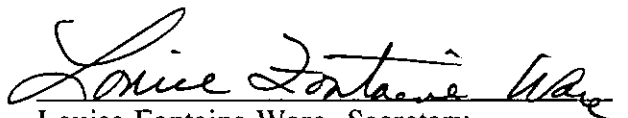
Conflict of Interest forms were completed by all members present.

Conflict of Interest  
Forms

There being no further business, the meeting was adjourned at 11:19 a.m.

Adjourn

  
Doyle B. Allen, Chair

  
Louise Fontaine Ware, Secretary

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Doyle B. Allen
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on May 11, 2004
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

None

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ✓ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Doyle B. Allen

Signature

5/11/04

Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: W. R. Stephenson, Jr.
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on May 11, 2004
5. Nature of Personal Interest Affected by Transaction: SURVEYORS

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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

WR Stephenson  
Signature

MAY 11, 2004  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: John R. McAden
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on May 11, 2004
5. Nature of Personal Interest Affected by Transaction: Surveying

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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Land Surveyors

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

John R. McAden  
Signature

5-11-04  
Date